

Notice of Public Hearing

LSA Document #09-984

Notice of Public Hearing

Under [IC 4-22-2-24](#), notice is hereby given that on June 24, 2010, at 6:00 p.m., at the Wayne Branch of the Indianapolis-Marion County Public Library, 198 South Girls School Road, Indianapolis, Indiana, the Natural Resources Commission will hold a public hearing on proposed amendments to [312 IAC 9-4-10](#) by reducing the length of the ruffed grouse hunting season on publicly owned lands and to [312 IAC 9-4-11](#) by modifying the dates of the fall season for hunting wild turkeys, adding counties where wild turkeys may be hunted during the fall season, adding a hunter orange requirement during the late archery season, and allowing bows and arrows to be capable of being fired outside lawful wild turkey hunting hours.

[IC 4-22-2-24\(d\)\(3\)](#) Justification Statement: The proposed rules in this package from the Department of Natural Resources (DNR) govern the hunting of ruffed grouse and wild turkeys in Indiana. The rule proposal governing ruffed grouse shortens the hunting season on publicly owned lands only. The season on privately owned lands will remain the same. Additional rule proposals expand the archery portion of the fall turkey season statewide, adds 16 new counties to the firearm portion of the fall turkey season (including seven new counties in northern Indiana), add an additional seven days to the fall season in 42 counties throughout south and central Indiana, and add a late archery season for fall wild turkey hunting. A turkey hunter who hunts during the late archery season would need to wear hunter orange during the time when the deer muzzleloader season is in place in order to help provide for hunter safety while in the field. The rule changes governing wild turkey hunting will also allow turkey hunters who use archery equipment to have the nock of the arrow placed in the bow string before and after legal hunting hours.

Many of the changes will positively affect individuals who hunt wild turkeys in Indiana by providing more hunting opportunities, but the change governing ruffed grouse will reduce hunting opportunities.

For ruffed grouse, the rule proposal is needed due to the extremely low levels of ruffed grouse breeding populations. The ruffed grouse population is at historically recorded lows throughout its normal range in Indiana. Therefore, on publicly owned lands where hunter access is not limited, this rule change will reduce concerns about the over-harvest of breeding birds. Generally, hunting mortality of gamebirds can range from compensatory to additive depending on the relative population level of the species, nature of the habitat (quality, quantity, and spatial distribution), the amount of hunting pressure, seasonal timing, and in some cases the availability of alternative (buffer) prey (gamebird) species.

While declining ruffed grouse populations are directly related to deteriorating habitat caused by advancing forest succession, it is debatable whether much of an annual grouse surplus exists after the fall grouse dispersal period, especially on public lands with the least amount of active timber management but the most ready accessibility to hunters. The fall dispersal period for ruffed grouse in Indiana begins in early September, peaking by early October, with most of the dispersal movement completed by the end of October. The fall dispersal period is a period of high grouse mortality, primarily juveniles. Studies to assess the potential impacts of hunting on grouse suggest that when harvest mortality coincides with dispersal, it tends to be compensatory, while mortality after dispersal begins to shift towards additive mortality, possibly removing potential breeders.

Extremely low grouse population levels and deteriorating habitat conditions provide uncertain prospects for improvement and raise concerns about hunting mortality on grouse populations, especially on public lands with unrestricted hunter access. While grouse hunting demand has declined in response to decreased population levels, it is debatable whether or how much of a "harvestable surplus" exists after the fall dispersal period. Timber harvests creating young forest habitats are still occurring to some degree on private ownerships where hunter access is restricted. The proposed rule change to shorten the grouse season on public lands to coincide with the fall dispersal period would reduce concerns about the over-harvest of potential breeders where hunter access is not limited.

The proposed rule change would not reduce private land opportunities, nor penalize those landowners who actively manage their woodlands to produce young forest habitats for ruffed grouse and provides an incentive to landowners, who enjoy grouse hunting, to more actively manage their timberlands. The shortened grouse season on public lands would overlap with the first part of the small game season and the peak migration flights of American woodcock, a compatriot game species often sought by grouse hunters.

For the wild turkey rule, the rule changes will increase opportunities for hunters by extending the locations and dates of fall wild turkey hunting. The relatively low harvests, hunter participation, and hunter success under the current conservative fall season structure indicated that the hunting range and the days of hunting opportunity could be expanded for both archery and firearms (shotgun) portions of the season. Even if hunter participation, hunter success, and resulting harvests were all to double, the estimated fall:spring harvest ratio (10%) would still remain considerably below the theoretical maximum and would be sustainable even with less than good

production levels. The proposed fall turkey structure would still be considered conservative relative to other surrounding states and still demonstrates the DNR's commitment to emphasize spring over fall hunting opportunities as desired by turkey hunters in general.

Wild turkey populations have increased to levels to allow fall firearm hunting in 16 counties, including seven counties in northern Indiana. Additionally, the counties in central and southern Indiana where the fall season is being extended will also provide for hunter opportunities while still maintaining a sustainable wild turkey population that can be hunted for many years to come. The DNR strives to maintain and increase hunter opportunities when doing so will not negatively affect the resource. The assessment of the 2005-2008 fall harvests demonstrated that subsequent spring harvests were not negatively impacted despite below average production and that the current conservative fall season structure is well below the theoretical maximum levels to sustain turkey populations and spring hunting success. Concerns about limited fall harvests fail to consider limitations of habitat carrying capacity and natural, self-regulating mechanisms influencing turkey populations irrespective of hunting mortality. The failure to implement fall turkey hunting will unnecessarily deny hunters available recreation opportunities to utilize a renewable natural resource. Fall either sex turkey hunting also provides wildlife managers with a potential population management tool, especially where adverse conditioning is needed to reduce human acclimation associated with "nuisance" turkey complaints.

These rule changes will directly affect individuals who hunt ruffed grouse and wild turkeys in Indiana. Businesses that offer a service as a turkey check station will also be affected by turkey hunters checking in a harvested turkey. However, these businesses will be positively affected with these changes by having additional customers come in to their place of business and purchase other products while checking in a harvested turkey. Businesses volunteer to be a check station and are already open for deer hunters who will be checking in a harvested deer during the same time period.

The rule proposals in this package will impose requirements on individual wild turkey hunters by requiring that the individual hunter wear hunter orange during the fall wild turkey season that coincides with the deer muzzleloader season. However, the changes governing wild turkey hunting will increase wild turkey hunting opportunities for individual wild turkey hunters with the additional locations and season dates. The rule proposal governing wild turkeys will also have an indirect positive effect on businesses that provide a service as a turkey check station or sell turkey hunting licenses, or both. Some businesses that serve as check stations in counties where fall turkey is allowed will be likely to have additional customers who purchase items, plus sell additional turkey hunting licenses. Businesses who sell hunting licenses are able to keep \$0.75 from each license sold, plus the customer may purchase additional items while in the place of business.

The direct benefits are to individuals that hunt wild turkeys in the fall in Indiana by allowing them to hunt in additional locations and for additional days. These individuals will need to purchase a fall wild turkey hunting license and game bird habitat stamp to hunt wild turkeys, unless they are hunting on their own property (and are exempt from needing a license) or already have a lifetime or youth consolidated hunting license.

The DNR has the statutory authority to provide for the protection, reproduction, care, management, survival, and regulation of wild animal populations in [IC 14-22-2-3](#). Furthermore, the DNR has the statutory authority to allow the taking, possession and sale of wild animals and set the seasons for taking wild animals in [IC 14-22-2-6](#). The Natural Resources Commission has the statutory authority to adopt rules under [IC 14-10-2-4](#). The definition of wild animal in [IC 14-8-2-318](#) includes birds, mammals, fish, reptiles, amphibians, crayfish, and mussels.

The sources of determining costs and benefits of the proposed changes were obtained from DNR staff and individuals who have provided comments to the DNR, Natural Resources Advisory Council, and Natural Resources Commission. The source of estimated turkey hunting license numbers was obtained from the DNR's electronic database of turkey hunting licenses that were sold in 2009. Additional sources were from the following reports:

Backs, S.E. and J. S. Castrale. 2008. The distribution and status of ruffed grouse in Indiana: 25 years of decline. Wildlife Management and Research Notes No. 969. Indiana Department of Natural Resources, Indianapolis.

Backs, S. E. 2008. 2008 Spring Breeding Indices of Ruffed Grouse. Wildlife Management and Research Notes No. 955. Indiana Department of Natural Resources, Indianapolis.

Backs, S. E. 2009. 2009 spring breeding indices of ruffed grouse. Wildlife Management and Research Notes No. 976. Indiana Department of Natural Resources, Indianapolis.

Bump, G., R.W. Darrow, F.C. Edminster, W.F. Crissey. 1947. The ruffed grouse: life history, propagation, management. New York State Conservation Department, Holling Press Inc., Buffalo, N.Y. 915 pp.

DeStefano, S. and D.H. Rusch. 1986. Harvest rates of ruffed grouse in northeastern Wisconsin. Journal of Wildlife Management. 50(3):361-367.

Horton, R. 2003. Turkey vs. ruffed grouse: beyond the rhetoric. Paper presented at Northern Wild Turkey Workshop, Bloomington, Minnesota, January 16-18, 2003.

Major, P.D. and J. C. Olson. 1980. Harvest statistics from Indiana's ruffed grouse hunting seasons. Wildlife Society Bulletin 8:18-23.

McCreedy, C. D. and C. M. Basile. 2004. Early successional forest management proposal; submitted for the

consideration of the Hoosier National Forest Land and Resource Management Plan Revision Team, November 4, 2004. US Department of Agriculture, Forest Service Hoosier National Forest, Bedford, IN. 15 pp.

Miles, Patrick D. Apr-30-2008. Forest inventory mapmaker web-application version 2.1. St. Paul, MN: U.S. Department of Agriculture, Forest Service, North Central Research Station. (Available only on internet: www.ncrs2.fs.fed.us/4801/fiadb/index.htm)

Veverka, N. B. 2008. 2005-2006 small game harvest survey. Wildlife Management and Research Notes #957. Indiana Department of Natural Resources, Indianapolis.

Backs, S. E. 1994. An evaluation of fall turkey hunting options for Indiana. Special White Paper Report to the Natural Resources Studies Committee, Indiana Legislature, Indianapolis. 17 pp.

2005 Fall wild turkey harvest results. Wildlife Management and Research Notes #911. Indiana Department of Natural Resources, Indianapolis.

2006 Fall wild turkey harvest results. Wildlife Management and Research Notes #925. Indiana Department of Natural Resources, Indianapolis.

2007 Fall wild turkey harvest results. Wildlife Management and Research Notes #950. Indiana Department of Natural Resources, Indianapolis.

2008 wild turkey brood production indices. Wildlife Management and Research Notes #970. Indiana Department of Natural Resources, Indianapolis.

2008 Fall wild turkey harvest results. Wildlife Management and Research Notes #971. Indiana Department of Natural Resources, Indianapolis.

Hunter participation and success during the 2006 fall turkey season estimated from the 2007 spring turkey hunter questionnaire. Wildlife Management and Research Notes #974. Indiana Department of Natural Resources, Indianapolis.

2009 Spring wild turkey harvest – check station results. Wildlife Management and Research Notes #978. Indiana Department of Natural Resources, Indianapolis.

Copies of these rules are now on file at the Indiana Government Center North, 100 North Senate Avenue, Room N501 and Legislative Services Agency, Indiana Government Center North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana and are open for public inspection.

Bryan W. Poynter
Chairman
Natural Resources Commission

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